

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14146, of Robert and Ruthann Miller, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct an addition to a single family dwelling in an R-5-B District at premises 2505 P Street, N.W., (Square E-1264, Lot 815).

HEARING DATE: June 20, 1984

DECISION DATE: June 20, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of P Street, N.W., between 26th Street on the west and Rock Creek and Potomac Parkway on the east. The site is in an R-5-B District and is known as premises 2505 P Street, N.W.

2. The subject lot is approximately rectangular in shape. Its dimensions are 36.14 feet on the south side, 102.06 feet on the east side, 111.71 feet on the west side and 36.15 feet on the north side. The lot area is 3,829 square feet.

3. The subject site is improved with a single-family detached dwelling. The subject dwelling is a two-story frame structure with a basement.

4. There is access to and from the subject site through P Street on the south. There is no alley access.

5. The subject square is developed primarily with row dwellings, semi-detached dwellings and apartment buildings. The subject dwelling is the only detached dwelling in the square. The square and three adjoining squares on the north and west are zoned R-5-B, with an R-3 District further west. Rock Creek Park is located on the northeast side and south side of the square.

6. The subject dwelling was constructed in the 1870's and predates most other dwellings in the square. The applicant testified that as surrounding dwellings were built they encroached on the subject lot so that the lot became long and narrow. The dwelling has nonconforming side yards of one foot to a foot and a half on the west and three feet, two inches to a foot and a half on the east. The rear yard has 49.59 feet of depth, whereas a minimum of fifteen feet

is required. The site is located on a portion of P Street that changes direction to move northeast-southwest instead of east-west. The side lot lines are not parallel to the walls of the house and the southeast corner of the structure protrudes into public space.

7. The dwelling has an L-shaped footprint with the narrow rear portion of the dwelling located on the east side of the lot. The front portion has a width of 30.57 feet whereas the lot width is 36.14 feet. There is an open court located at the northwest corner of the structure in the bend of the L-shaped footprint.

8. The applicants have owned and occupied the dwelling since 1978. They find that the living space which it provides is inadequate to accommodate their family. The applicants propose to construct a two-story rear addition to provide a first floor family room and a second floor master bedroom-study area. The addition would be of frame construction.

9. The proposed addition would be located in the open court that is presently in the northwest corner of the dwelling. The proposed addition would measure 16.3 feet from north to south, 16.17 feet on its south side and 15.75 feet on its north side. It would continue the existing nonconforming side yard on the west of the dwelling.

10. The construction of the proposed addition would require a seventy-five percent variance from the side yard requirements of Sub-section 3305.1. The side yard provided on the west of the dwelling would have a width of two feet, whereas eight feet is required.

11. The Board of Zoning Adjustment has the power to grant area variances provided that the applicant makes a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographic conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

12. The existing dwelling and lot are unusual in that the lot lines are not parallel to the dwelling walls, thus creating narrow side yards of varying width. The side yards are much narrower than the width required by the Regulations because the dwelling was built before the Regulations were enacted. The present side yards are not usable, and are in fact used by the neighbors on the east and west as part of their side yards. The two foot wide side yard on the west of the proposed addition would also be used by the neighbors.

The applicants use their ample rear yard as their only open space.

13. The deep rear yard existing at the site is consistent with the rear yards of surrounding dwellings. In order to maintain this consistency, the applicant proposes to locate the rear wall of the addition no further north than the rear of the majority of dwellings in the square. By locating the addition in the open court area of the existing building, the applicant is able to maintain the typical rear wall depth for the square.

14. The applicant considered and rejected the alternative of locating the addition at the rear of the existing structure with eight foot side yards on each side. Such an addition would violate the open character of rear yards in the square, and would provide no usable space. A third alternative of expanding the rear leg of the L footprint was also rejected because such an alternative would destroy even more green space, and would also require a variance for the side yard on the east.

15. The applicant testified that he had discussed the plans with the neighbor in the adjacent dwelling and that the neighbor had expressed approval of the proposed addition. The applicant further testified that three or four neighbors had stopped to discuss the BZA sign posted on the subject property to advertise the hearing. None of the neighbors expressed objections to the applicant. The applicant presented the plans to ANC 2E. The meeting was attended by approximately fifty people, none of whom expressed objections to the application.

16. Advisory Neighborhood Commission 2E, by report dated June 1, 1984, expressed to the Board that it had no objection to the requested variance. The ANC was of the opinion that the property is encumbered with an exceptional and unique relationship of the location of the house to the lot, which creates a practical difficulty for the owners. The requested relief could be granted without harming the present character or future development of the neighborhood. The Board concurs with the reasoning and the recommendation of the ANC.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographic condition. The Board must further find that the relief requested can be granted

without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has met its burden of proof in showing a practical difficulty inherent in the property. The existing structure and lot are so configured that the side yards are exceptionally narrow. The exceptional narrowness of the existing side yards causes the proposed rear addition to require a side yard variance.

The Board further concludes that the granting of an area variance to permit the construction of an addition to a single family dwelling in an R-5-B District will not cause substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan. The relief requested will permit a reasonable use of private property that is not objectionable to the neighborhood. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

Steven E. Sher (Bjmu)  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 27 AUG 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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